

## **Consolidated Grant Topic Group Meeting Discussion TEC Meeting, New Orleans, January 28, 2002**

### **Participating Topic Group Members:**

Richard Arnold, Tribal Interactions, Yucca Mountain Project; Wynona Boyer, Shoshone-Bannock Tribes; Joseph Mark Chavarria, Santa Clara Pueblo; Nathan Christianson, WGA; Dave Crose, State of Indiana, CSG/MW; Martha Crosland, DOE/EM; Aubrey Godwin, State of Arizona, WGA; Ken Gray and Rob Burnside, CTUIR; Don Greene, State of Arkansas/SSEB; Judith Holm, DOE/NTP Albuquerque; Patrice Kent, National Tribal Environmental Council (NTEC); Daniel King, Oneida Nation; Corinne Macaluso, DOE/ OCRWM; Ellen Ott, DOE/Office of General Counsel; Tammy Ottmer, State of Colorado/WGA; Phillip Paul, CSG/ERC; Carol Peabody, DOE/HQ Office of Transportation; Jim Reed, NCSL; Tim Runyon, State of Illinois, CSG/MW; Lisa Sattler, CSG/MW; Thor Strong, State of Michigan, CSG/ERC; Ralph Smith, DOE/CO; Sandra Threatt, State of South Carolina, SSEB; Elgan Usrey, State of Tennessee/SSEB; Rebecca Walker, Westinghouse/WIPP; Chris Wells, SSEB; Corina Williams, Oneida Nation.

Research staff support: Judith Bradbury, PNNL; Wilda Portner and Alex Thrower, SAIC.

### **Topics Discussed**

#### **1. Handouts and Update**

Judith Holm distributed copies of the Revised Framework Document (January 24, Rev 4) and the most recent update to the comment response matrix, Table A-8. She apologized to members that she was unable to report on DOE/EM's decision concerning the proposed consolidated grant, as she and Carol Peabody had hoped. She explained that many changes are currently underway within EM; in particular, Dave Huizenga is transferring to the National Nuclear Security Administration (NNSA) and has been unable to brief the new Secretary on the grant before the TEC meeting.

Judith noted that some changes have been made to the *Framework* that reflect DOE's response to members' comments at the Cincinnati TEC meeting in July. As shown in the new mark-up, DOE agrees that there will be no pilot program, the eligibility level will be established at one shipment, and a formula approach will be adopted for States. NTP held a workshop with Tribes in Albuquerque in November and will be consulting separately with Tribes on a variety of issues, including those related to the grant. Table A-8, which will be added to the existing Appendix A, includes DOE's response to comments provided at the July 2001 TEC meeting, comments from the Topic Group conference call in November, and written comments from the CSG/MW and the SSEB. Appendix C has also been added to the *Framework* and contains copies of all written correspondence submitted throughout the discussion; issues raised in the correspondence, as well as DOE responses, are included in Appendix A.

## 2. State Comments

- Several State representatives expressed their concern about the impact of security issues on shipments through their jurisdictions. They emphasized, in particular:
  - the potential for radioactive materials shipments to become terrorist targets
  - public interest groups' increased opposition to shipments
  - the need for States to plan for the possibility of multiple terrorist events that would overtax DOE's current RAP team response capabilities
  - NRC guidance concerning escorts
  - the associated "ballooning" of costs and tremendous impact on State budgets.

Judith Holm noted in response that she and Carol had emphasized to DOE management the need to take into account security issues, including their financial implications, in their decision about the proposed grant. She stated that she recognized the need to discuss security and that this would be included in any future iteration of the *Framework*.

- One State representative asked for clarification of which DOE programs would be included in the grant—there appear to have been changes, especially concerning OCRWM and WIPP shipments. Carol Peabody stated that the intent is to include both OCRWM and WIPP but that no decision had been made.
- Another representative emphasized the need for DOE to include affected States in their planning for upcoming shipments (e.g., plans to transport depleted uranium), as well as the need to provide funding.
- A northeastern representative asked the SSEB to explain the meaning of the term, *fully funded* in their written comment to NTP that "without a fully-funded program, consolidated grants are not acceptable." SSEB representatives explained that they would require a minimum of \$150,000 per State affected by WIPP shipments PLUS additional funding if another DOE program made shipments using a different route through the State. WGA representatives stated that they agreed with the SSEB position on this issue. Midwestern representatives stated that they disagreed with the WGA and SSEB position.
- A WGA representative stated that the Western Governors do not feel that the Secretary gave an adequate answer to their letter of September 2000 and may write a follow-up letter. In particular, the Governors want to emphasize three points:
  1. Regional groups should be continued
  2. An adequate level of funding must be provided and this should be through the regional groups.
  3. DOE must make a commitment that all DOE programs will be included in the consolidated grant.

- The SSEB stated that they had also considered sending a joint SSEB/WGA letter to the Secretary but had held back because Dave Huizenga had told them that he was pursuing the issue and they had hoped that it would be settled.
- A WGA representative asked what the next steps would be and whether NTP wanted the States and Tribes to provide comments on the version of the document that had been provided that day. She pointed out that the problems encountered over the past two years would arise again because there was disagreement about the grant—both over DOE’s proposed options and among different States.

Judith Holm responded that members should withhold comments on the January version of the *Framework* until she and Carol could come back to the group with some direction from management. She stated that she would schedule a topic group conference call in about three months time. Martha Crosland noted that, if there is a decision to proceed with the proposed grant, DOE would go through formal administrative procedures.

#### 4. Tribal Comments

- A Tribal representative requested that DOE clarify that the agency’s agreement with CSG/MW, that DOE should not develop broad-based resources where none currently exist (Table A-8), may not apply to Tribes. She emphasized that, in the past, Tribes have not had similar resources to States for developing programs.
- The representative also requested that DOE clarify the Tribal role in the grant process, in view of DOE’s stated intent to address Tribal issues separately from State issues, in consultation with the Tribes.
- Tribal comments from the Albuquerque workshop should be included when the meeting summary is finalized.

Judith Holm responded that the intent was to keep the Tribes involved in the discussion of the grant, but that DOE would pursue direct discussions per the consultation discussions at the Albuquerque Tribal workshop and recognize the government-to-government relationship that exists between Tribal Governments and DOE. These direct discussions do not preclude tribes from participating in the consolidated grant process, and will be used to identify appropriate methods and resources to bring tribal governments to an equitable level for DOE transportation and other programs. In addition, the reason for working directly with Tribes on the grant issue is recognition of their needs, which may be different. The goal will be to bring the right DOE resources together (TEPP, DOE Tribal points of contact and the transportation managers in the field) with the Tribes, not only to discuss the grant approach but also to address technical assistance opportunities. The Albuquerque Tribal Workshop comments on the grant will be included in the Appendix when the meeting summary is final and will be shared with the Topic Group.